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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,611	08/16/2001	Shigeru Murakami	Q54917	2483
	7590	04/20/2004	EXAMINER	
Sughrue Mion Zinn Macpeak & Seas Suite 800 2100 Pennsylvania Avenue NW Washington, DC 20037-3213			PIERCE, JEREMY R	
			ART UNIT	PAPER NUMBER
			1771	
DATE MAILED: 04/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/913,611

Applicant(s)

MURAKAMI ET AL.

Examiner

Jeremy R. Pierce

Art Unit

1771

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 08 April 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Elizabeth M. Cole
ELIZABETH M. COLE
PRIMARY EXAMINER

009/913,611

Continuation of 2. NOTE: The amendment provides new limitations not previously considered in the Final Office Action, such as the fabric being fired at a specified temperature range in claim 3 and the water repellent property being provided by a resin coating in claim 7. Additionally, the amendments to claims 4 and 5 raise new issues of indefiniteness because it is not clear whether the fabric or a fabric component satisfies Applicant's equation.

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments are based on an amendment which is not entered. Additionally, Applicant argues that reduction in thickness of a fabric does not result in a decrease in the electrical resistance in the direction of the fabric layer as long as the material is the same. However, reduction in thickness would result in a decrease in electrical resistance in the direction of the thickness of the fabric layer, which would be obvious to provide. Applicant also argues that the teachings of Dickson produce a product that is significantly different than those obtained by a long heat treatment in a non-oxidizing atmosphere, and that it is not reasonable for the Examiner to assume the Dickson process will inherently produce the carbon fiber woven fabric of the present invention. However, the Examiner is not assuming that the two products are inherently the same. The Examiner is taking the position that since the products are made with similar materials and via similar processes, that the properties that Applicant claim would be inherent to the material of Dickson. Applicant has not met the burden of proving otherwise by arguing that the product of Dickson is not the same as Applicant's product.